

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday October 14, 2019

CASE NUMBER: C15-2019-0054

☐ Brooke Bailey OUT
☒ Jessica Cohen
☒ Ada Corral
☒ Melissa Hawthorne
☒ William Hodge
☒ Don Leighton-Burwell
☒ Rahm McDaniel
☒ Darryl Pruett
☒ Veronica Rivera
☒ Yasmine Smith
☒ Michael Von Ohlen
☒ Kelly Blume (Alternate)
☐ Martha Gonzalez (Alternate)
☐ Denisse Hudock (Alternate)

APPLICANT: David Cancialosi

OWNER: Emerald Laguna Corporation (Paris Schindler)

ADDRESS: 1901 WESTLAKE DR

VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-551 (Lake Austin (LA) District Regulations)

1. (B) (1) to reduce the Shoreline Setback requirement from 75 feet (required) to 25 feet (requested)
2. (C) (3) (a) increase Impervious Cover from 35 percent, on a slope with a gradient of 15 percent or less (required) to 62% (requested); 75% (existing)
3. (C) (3) (b) increase Impervious Cover from 10 percent, on a slope with a gradient of 15 percent or less (required) to 67% (requested); 65% (existing)
4. (C) (3) (c) increase Impervious Cover from 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent (required) to 35% (requested); 39% (existing)
5. (E) (2) to increase Impervious Cover to 8% for a driveway in order to erect a Single-Family Residential use in an "LA" zoning district.

NOTE: (for item (E) (2) The Land Development Code states on a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.

BOARD'S DECISION: BOA meeting Oct 14, 2019 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Melissa Hawthorne motions to Postpone to November 7, 2019, Board Member Ada Corral seconds on an 11-0 vote; POSTPONED TO November 7, 2019.

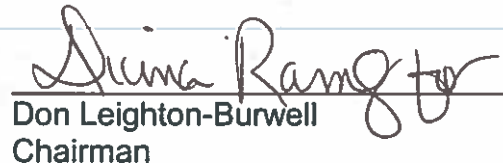
EXPIRATION DATE:

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Elaine Ramirez
Executive Liaison


Don Leighton-Burwell
Chairman

October 22, 2019

City of Austin
City Board of Adjustments
One Texas Center
505 Barton Springs
Austin, Texas 78704

RE: 1901 WESTLAKE DR. VARIANCE REQUEST - UPDATED

To Whom It May Concern:

The Board heard this case at it's October hearing. The applicant is requesting variances to the LA zoning impervious cover regulations in order to construct a single-family residence. We heard the Board's concerns regarding the project and have provided updated materials.

The back up material includes a site plan showing:

1. A site plan with 75' shoreline and existing conditions
2. A "1.0" site plan reflecting a 25' shoreline with the residence along Bee Creek (with the existing tennis court 100% removed from the IC calculations but shown for visual purposes only)
3. A "2.0" site plan with a 25' shoreline reflecting the residence atop the existing tennis court
4. Back up materials showing the IC for each option (noted as "sheet 1.0 Continued" and "Sheet 2.0 Continued)), and
5. A calculations sheet showing existing IC conditions

Since the October hearing I revisited the site several times. I took pictures from the water and while on land. We have an arborist letter regarding the large Cypress trees along the shoreline near the tennis court as well as the protected trees along the Bee Creek side of the lot. There are several hundred trees on this lot. The topography, existing driveway, tree root zones and limited availability of any flat land present several unique hardships.

Specific to our request to construct the home utilizing a 25' shoreline along the Bee Creek side of the Lake frontage, the Board heard from opposing party that any construction in this area would not be in keeping with existing homesites. The Board voiced the same concern upon looking at the aerials. I can say with certainty that is not the case. Across the cove from the proposed site are two homes which are so close to the water one can actually see the reflection of the homes in the water. One home in particular is nearly **over** the water. Adjacent to that house is the opposing party's house located at 23 Hull Circle. That house is not within City of Austin Jurisdiction. It is located in the City of Westlake's full purpose jurisdiction. That party does not have standing.

Conversely, as you enter the cove from the main body of Lake Austin, the homes along Westlake Dr. are perched high above the water. There are varied home styles, locations, and means of access to the water via trams or stairs. These homes are not impacted whatsoever by this application.

You also heard from the other opposing party whom spoke on behalf of the Pecan Condominiums. That development is also perched high above the water. We are perplexed as to why they would desire the house on the tennis court-side of the lot given the Pecan condominium owners' view. They would look right at the roof, although, the views from the condominiums appear to be oriented towards the main body and not the cove.

The proposed homesite along the Bee Creek side of the lot is completely consistent with and less intrusive than the existing improvements found in the immediate area in and around the cove. At your November hearing I intend to include pictures which will undoubtedly show how our project is consistent with the improvements closest to it. Our hope is that you agree with these assertions and approve the proposed shoreline reduction and impervious cover allowances outlined in the attached back up material.

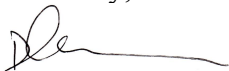
Worth noting, the property owner agrees the tennis court should be removed. The court is in such a state of disrepair due to the extended Cypress tree roots that it needs to be removed altogether. Although flat, the area is not conducive to excavation and construction of a residence given the extensive root systems of the surrounding protected and no-protected trees. There are several hundred trees on the site – the owner desires to protect as many of these trees as possible. He has watched these magnificent Cypress trees along the shoreline grow since he's owned the lot in the 1960's. Constructing a home in this area – or anything – will undoubtedly have a negative impact on the health of the trees.

Also, the circle drive was of concern to the Board. That drive has been removed and replaced with a hammerhead style drive allowing owners and visitors to park then exit nose first.

Should the Board desire a modified shoreline reduction that includes a partial reduction to 25' around the house and keep the 75' for the remainder of the lot, then the applicant is happy to return to your January hearing to present the final materials for your approval. The impervious coverage numbers will need to be amended to accommodate the existing public notice, so a renotification would be required. The owner would like to avoid any further delays beyond November, if possible, but defers to the Board.

We look forward to your support on the proposed 25' shoreline and impervious coverage variances so my client may move forward with construction of the single-family project.

Sincerely,



David C. Cancialosi, Agent for Owner

*EXISTING CONDITIONS WITH
75' SHORELINE SETBACK*

P-4/5

LOT SIZE= 98,542.24 SF

GROSS IMPERVIOUS COVERAGE = 17.5%

75FT SHORELINE SETBACK = 46,867.27 SF

N.S.A. = 51,674.97 SF

EXISTING DRIVEWAY= 23,432.74 SF

EXISTING CONDITIONS 75 FT. SHORELINE SETBACK				
	EXISTING LAND (SF)	EXISTING IMPERVIOUS COVERAGE (SF)	EXISTING IMPERVIOUS COVERAGE (%)	ALLOWED IMPERVIOUS COVERAGE (%)
0 - 15%	9,748.82 SF	7,324.97 SF	75%	35%
15 - 25%	9,667.05 SF	6,291.64 SF	65%	10%
25 - 35%	3,022.76 SF	1,179.13 SF	39%	5%
35% +	29,236.34 SF	2,467.05 SF	8%	0%
TOTAL LOT AREA : 98,542.24 SF (LOT) - 46,867.27 SF (75FT SH. SETBACK) = 51,674.97 SF (NSA)				

P-4/6

EXISTING CONDITIONS

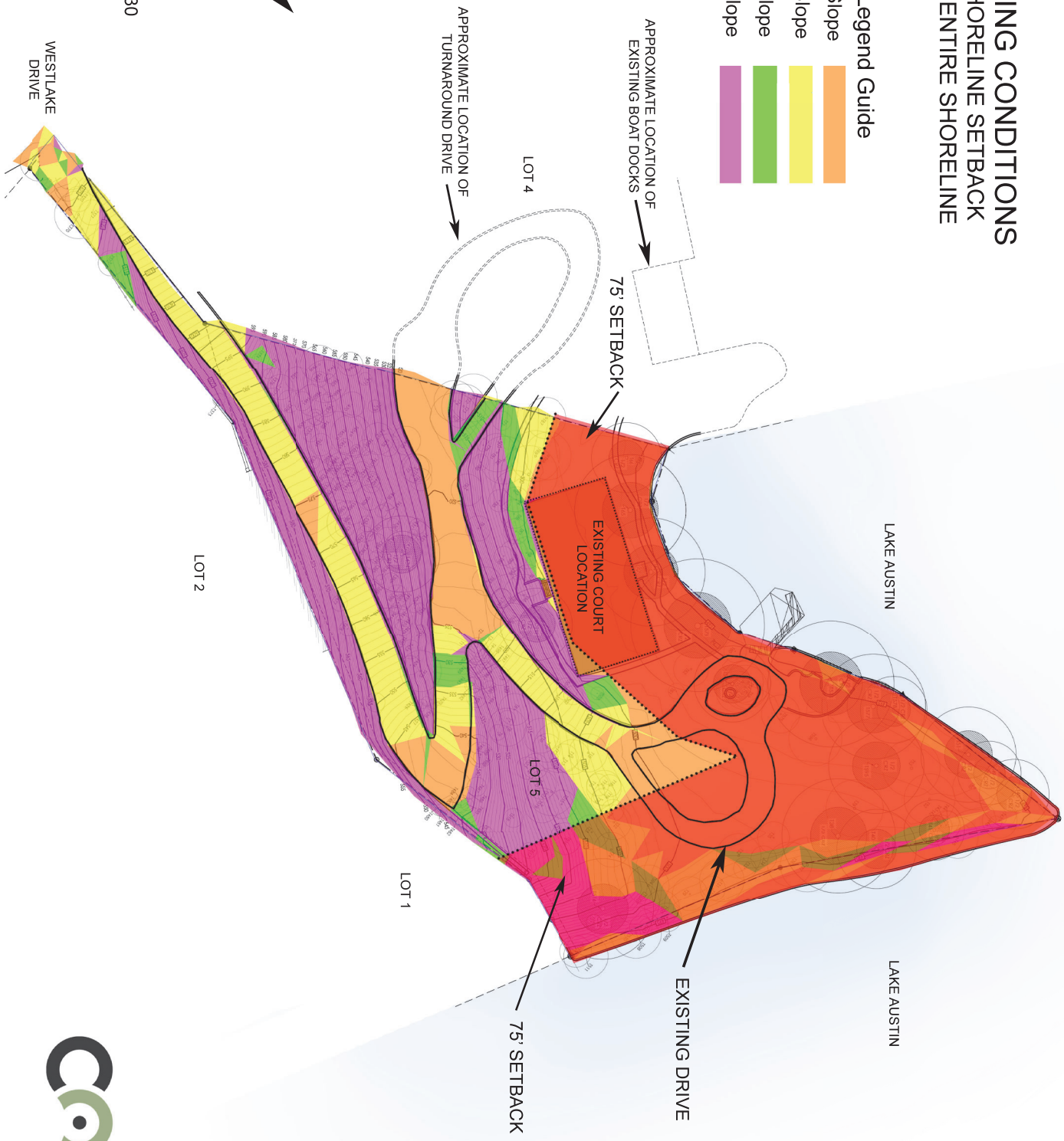
75FT SHORELINE SETBACK

ALONG ENTIRE SHORELINE

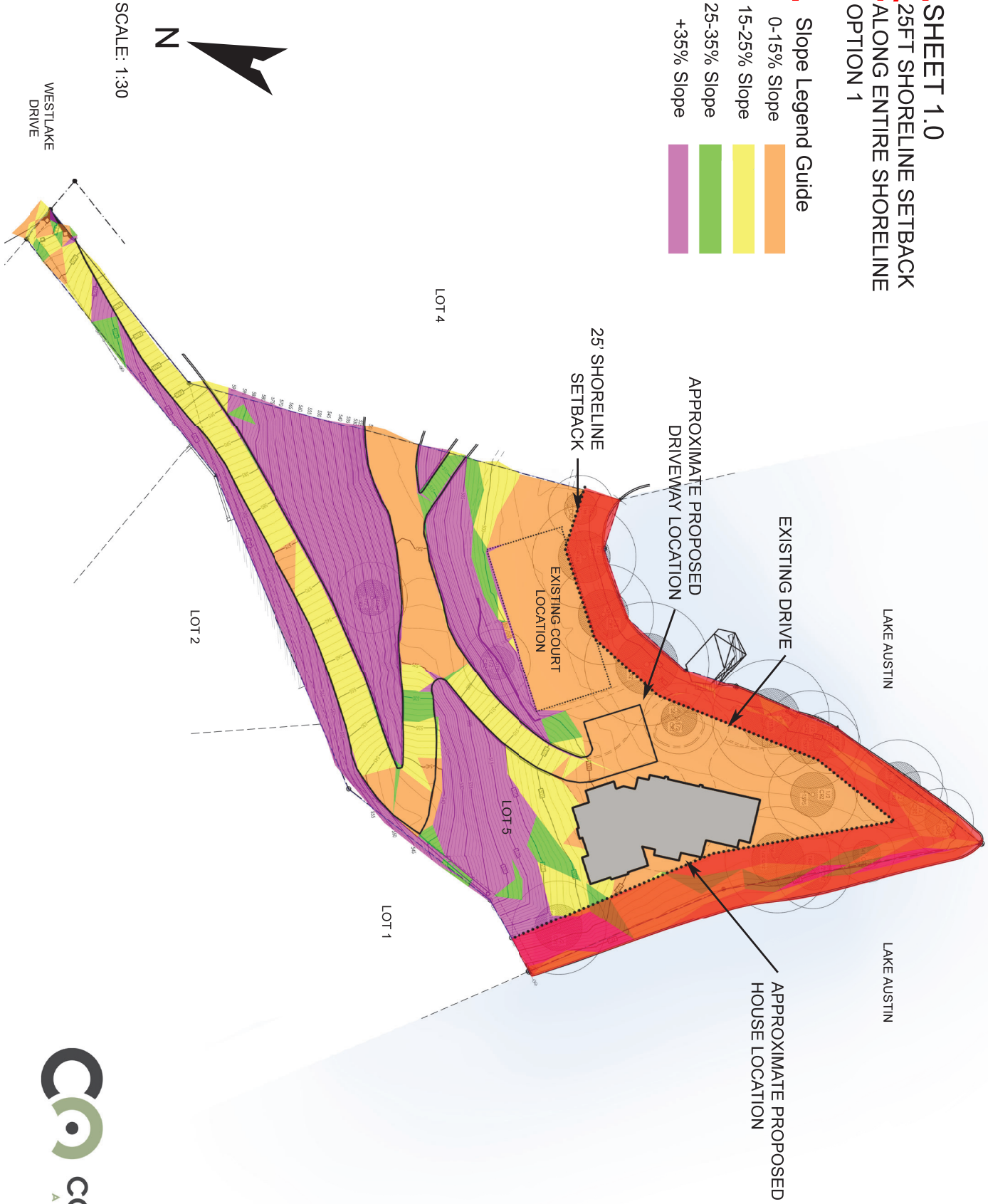
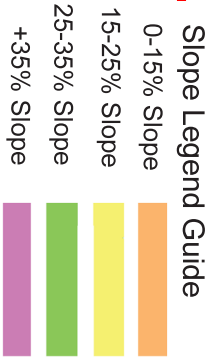
- Slope Legend Guide
- 0-15% Slope
 - 15-25% Slope
 - 25-35% Slope
 - +35% Slope



SCALE: 1:30

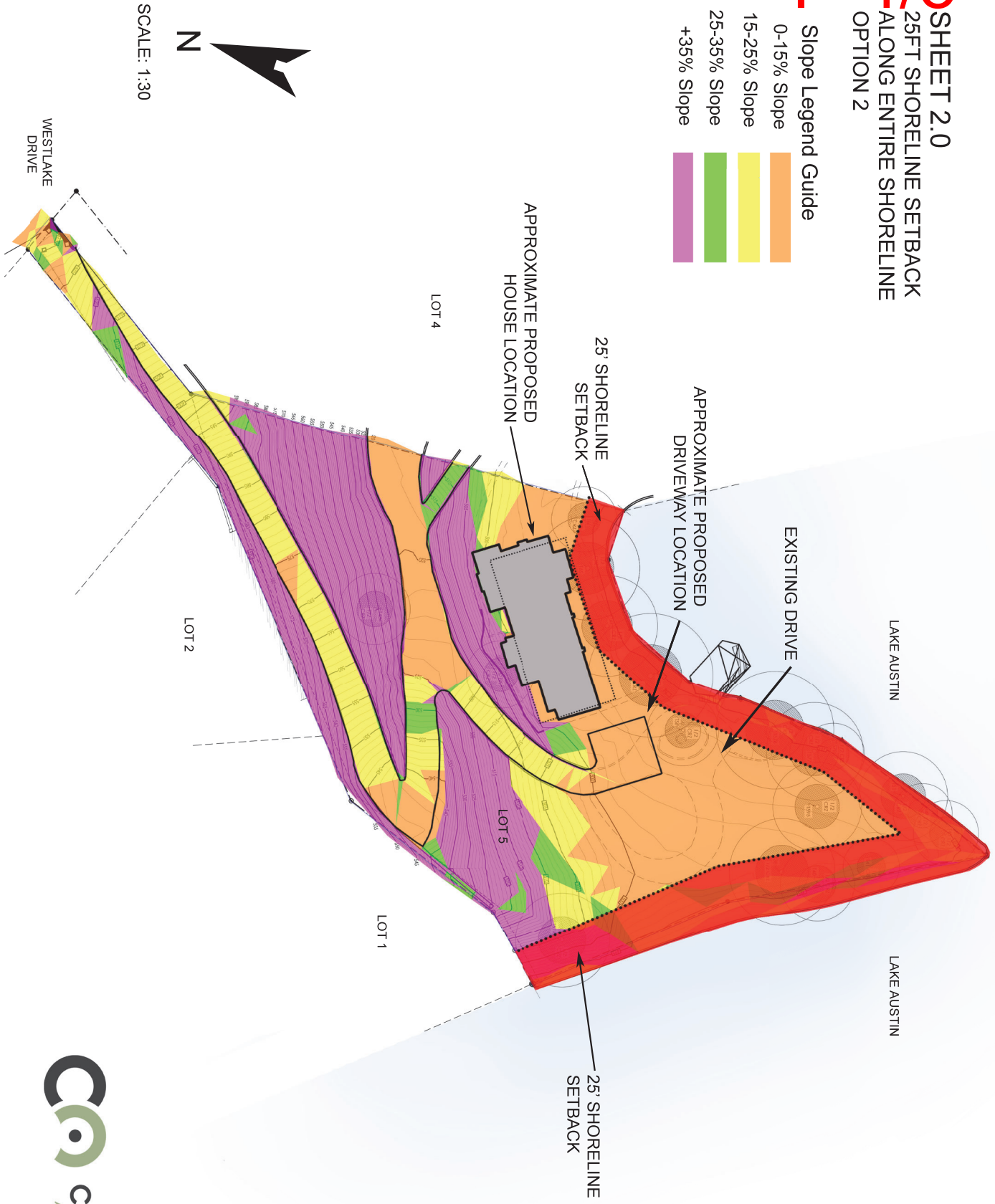


SHEET 1.0
25FT SHORELINE SETBACK
ALONG ENTIRE SHORELINE
OPTION 1



8 SHEET 2.0
25FT SHORELINE SETBACK
ALONG ENTIRE SHORELINE
OPTION 2

- Slope Legend Guide**
- 0-15% Slope
 - 15-25% Slope
 - 25-35% Slope
 - +35% Slope



*SHEET 1.0 CONTINUED
25' SHORELINE SETBACK
ALONG ENTIRE SHORELINE
OPTION 1*

P-4/9

LOT SIZE= 98,542.24 SF

EXISTING GROSS I.C. = 17.5%

PROPOSED GROSS I.C. = 32.2%

25FT SHORELINE SETBACK = 16,341.10 SF

N.S.A. = 82,201.14 SF

EXISTING DRIVEWAY= 20,482.62 SF

PROPOSED DESIGN 25 FT. SHORELINE SETBACK OPTION 1								
	EXISTING				PROPOSED			
	EXISTING LAND (SF)	EXISTING IMPERVIOUS COVERAGE (SF)	EXISTING IMPERVIOUS COVERAGE (%)	ALLOWED IMPERVIOUS COVERAGE (%)	PROPOSED LAND (SF)	PROPOSED IMPERVIOUS COVERAGE (SF)	PROPOSED IMPERVIOUS COVERAGE (%)	ALLOWED IMPERVIOUS COVERAGE (%)
0 - 15%	9,748.82 SF	7,324.97 SF	75%	35%	32,855.34 SF	13,794.22 SF	42%	35%
15 - 25%	9,667.05 SF	6,291.64 SF	65%	10%	15,021.61 SF	10,029.92 SF	67%	10%
25 - 35%	3,022.76 SF	1,179.13 SF	39%	5%	3,419.30 SF	1,097.17 SF	32%	5%
35% +	29,236.34 SF	2,467.05 SF	8%	0%	30,904.89 SF	1,540.37 SF	5%	0%
	TOTAL LOT AREA : 98,542.24 SF (LOT) - 46,867.27 SF (75FT SH. SETBACK) = 51,674.97 SF (NSA)				TOTAL LOT AREA : 98,542.24 SF (LOT) - 16,341.10 SF (25FT SH. SETBACK) = 82,201.14 SF			

SHEET 2.0 CONTINUED
25' SHORELINE SETBACK
ALONG ENTIRE SHORELINE
OPTION 2

P-4/10

LOT SIZE= 98,542.24 SF

EXISTING GROSS I.C. = 17.5%

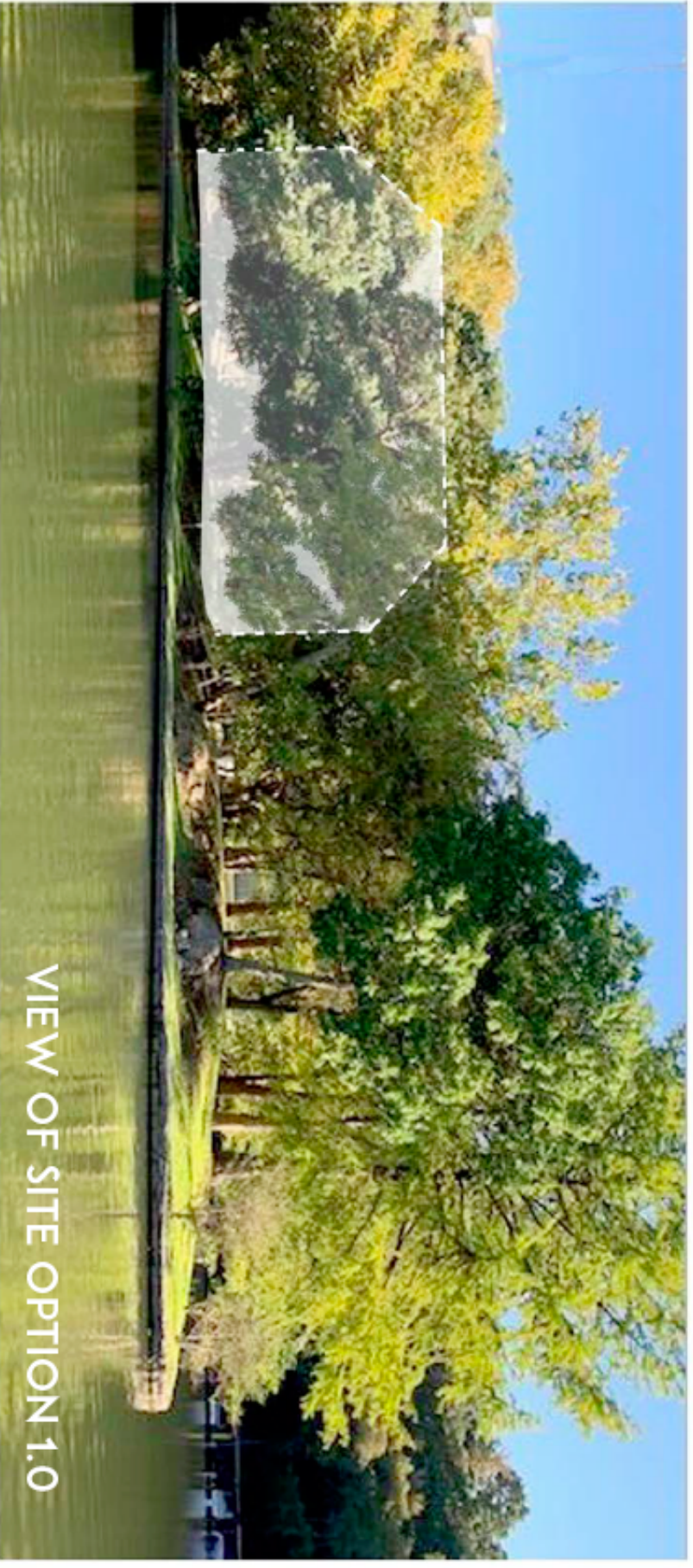
PROPOSED GROSS I.C. = 32.2%

25FT SHORELINE SETBACK = 16,341.10 SF

N.S.A. = 82,201.14 SF

EXISTING DRIVEWAY= 20,482.62 SF

PROPOSED DESIGN 25 FT. SHORELINE SETBACK OPTION 2								
	EXISTING				PROPOSED			
	EXISTING LAND (SF)	EXISTING IMPERVIOUS COVERAGE (SF)	EXISTING IMPERVIOUS COVERAGE (%)	ALLOWED IMPERVIOUS COVERAGE (%)	PROPOSED LAND (SF)	PROPOSED IMPERVIOUS COVERAGE (SF)	PROPOSED IMPERVIOUS COVERAGE (%)	ALLOWED IMPERVIOUS COVERAGE (%)
0 - 15%	9,748.82 SF	7,324.97 SF	75%	35%	32,855.34 SF	13,288.66 SF	41%	35%
15 - 25%	9,667.05 SF	6,291.64 SF	65%	10%	15,021.61 SF	9,838.56 SF	66%	10%
25 - 35%	3,022.76 SF	1,179.13 SF	39%	5%	3,419.30 SF	1,460.97 SF	43%	5%
35% +	29,236.34 SF	2,467.05 SF	8%	0%	30,904.89 SF	1,894.69 SF	6%	0%
	TOTAL LOT AREA : 98,542.24 SF (LOT) - 46,867.27 SF (75FT SH. SETBACK) = 51,674.97 SF (NSA)				TOTAL LOT AREA : 98,542.24 SF (LOT) - 16,341.10 SF (25FT SH. SETBACK) = 82,201.14 SF			



VIEW OF SITE OPTION 1.0



VIEW OF SITE OPTION 2.0

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2019-0054

BOA DATE: October 14, 2019

ADDRESS: 1901 Westlake Dr

COUNCIL DISTRICT: 10

OWNER: Paris R. Schindler

AGENT: David Cancialosi

ZONING: LA

LEGAL DESCRIPTION: LOT 5 EMERALD BAY

VARIANCE REQUEST: reduce shoreline setback, increase impervious cover

SUMMARY: erect a Single-Family residential use

ISSUES: irregular shaped lot; zoning change by adopted City of Austin ordinance in Sept. 1984 from SF-2 to LA

	ZONING	LAND USES
<i>Site</i>	LA	Lake Austin
<i>North</i>	LA	Lake Austin
<i>South</i>	LA	Lake Austin
<i>East</i>	2 mi ETJ	2 mi ETJ
<i>West</i>	SF-3	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 City of Rollingwood
 Friends of Austin Neighborhoods
 Neighborhood Empowerment Foundation
 Preservation Austin
 SEL Texas
 Save Barton Creek Assn.
 Save Our Springs Alliance
 Sierra Club, Austin Regional Group
 TNR BCP – Travis County Natural Resources



October 10, 2019

David Cancialosi
1901 Westlake Dr
Austin TX, 78746

Property Description: LOT 5 EMERALD BAY

Re: C15-2019-0054

Dear David,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following sections from the Land Development Code.

Section 25-2-551 (Lake Austin (LA) District Regulations);

(B) (1) to reduce the Shoreline Setback requirement from 75 feet (required) to 25 feet (requested);

(C) (3) (a) increase Impervious Cover from 35 percent, on a slope with a gradient of 15 percent or less (required) to 62% (requested); 75% (existing);

(C) (3) (b) increase Impervious Cover from 10 percent, on a slope with a gradient of 15 percent or less (required) to 67% (requested); 65% (existing);

(C) (3) (c) increase Impervious Cover from 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent (required) to 35% (requested); 39% (existing);

(E) (2) to increase Impervious Cover to 8% for a driveway;

In order to erect a Single-Family Residential home, being in the (LA) Zoning District and Lake Austin, neighborhood.

Austin Energy **does not oppose requested variances**, provided all proposed and existing improvements follow AE clearance criteria requirements, The National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants' expense. Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSA RE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050



September 19, 2019

David Cancialosi
1901 Westlake Dr
Austin TX, 78746

Property Description: LOT 5 EMERALD BAY

Re: C15-2019-0054

Dear David,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from Section 25-2-551 (Lake Austin (LA) District Regulations)

(B) (1) to reduce the Shoreline Setback requirement from 75 feet (required) to 25 feet (requested)

(C) (3) (a) increase Impervious Cover from 35 percent, on a slope with a gradient of 15 percent or less (required) to 62% (requested); 75% (existing)

(C) (3) (b) increase Impervious Cover from 10 percent, on a slope with a gradient of 15 percent or less (required) to 67% (requested); 65% (existing)

(C) (3) (c) increase Impervious Cover from 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent (required) to 35% (requested); 39% (existing)

(E) (2) to increase Impervious Cover to 8% for a driveway;

In order to erect a Single-Family Residential use in an "LA" zoning district.

DENIED BY AUSTIN ENERGY (AE) Show requested variances in relation to the existing electric overhead facilities * poles and wires and existing electric easements, as they relate to your proposed grade change and structure to be built.

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSA RE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050

P-4/16



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15--2019-0054

LOCATION: 1901 WESTLAKE DRIVE



1" = 333'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

P-4/17

SUBMITTED
9/6/2019

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 1901 Westlake Drive, Austin TX 78746

Subdivision Legal Description:

LOT 5 EMERALD BAY

Lot(s): 5 Block(s): _____

Outlot: _____ Division: _____

Zoning District: _____

I/We Permit Partners, LLC on behalf of myself/ourselves as
authorized agent for Paris Schindler affirm that on
Month September, Day 6, Year 2019, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: _____

Type of Structure: House

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

SEE ATTACHED COVER LETTER

LDC 25-55I(B)(1)(a) from 75' to 25' Lake Austin shoreline setback

LDC 25-2-55I(c)(3)(a) from 75% IC existing to 62% IC proposed in the 0-15% slope category, which allows 35% IC

LDC 25-2-55I(c)(3)(b) from 65% IC existing to 67% IC proposed in the 15-25 % slope category, which allows 10% IC

LDC 25-2-55I(c)(3)(c) from 39% IC existing to 35% IC proposed in the 25-35% slope category, which allows 5% IC

LDC 25-2-55I(e)(2) from 8% IC existing to 8% IC proposed in the 35% slope category, which allows 0% IC

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

SEE ATTACHED COVER LETTER

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

SEE ATTACHED COVER LETTER

b) The hardship is not general to the area in which the property is located because:

SEE ATTACHED COVER LETTER

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

SEE ATTACHED COVER LETTER

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A
